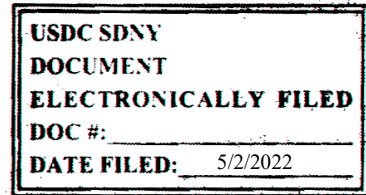


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MD-01570 (GBD)(SN)

ORDER

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SARAH NETBURN, United States Magistrate Judge:

This document relates to:

John Does 1 through 7 v. The Taliban et al., No. 20-mc-740
Havlish v. Bin Laden, No. 03-cv-9848

This order addresses two outstanding issues on the participation of amici in this matter.

First, the Havlish Plaintiffs ask the Court to set aside the amicus brief of Naseer A. Faiq (the “Faiq Brief”) based on claims about the duplicative nature of his brief and concerns about his diplomatic status. ECF No. 7939. Second, nonparty Terry Kay Rockefeller moves to submit an amicus brief (the “Rockefeller Brief”). ECF No. 7935. Both requests are denied.

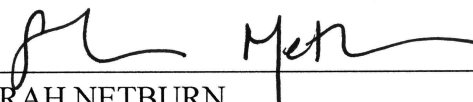
The Havlish Plaintiffs’ request to set aside the Faiq Brief is denied. They raise concerns that Mr. Faiq has not accurately represented his diplomatic position and that accepting his brief could have implications for the recognition of an Afghan government. ECF No. 7939 at 2–3. The Court, however, explicitly noted in its order accepting the Faiq Brief that Mr. Faiq does not represent any government of Afghanistan, and that the Court’s acceptance of this brief does not imply any such recognition. ECF No. 7925 at 1 n.2. Any other confusion around the specifics of Mr. Faiq’s diplomatic role is immaterial to the value the brief adds to the Court’s deliberations and understandable given the tumultuous Afghan political situation.

Alternatively, the Havlish Plaintiffs' argue that the Faiq Brief raises arguments that are duplicative of other briefs or that are better raised by other parties. Having reviewed this brief and the others before it, the Court finds this argument to be without merit.

The request to submit the Rockefeller Brief is also denied. While that brief is nominally submitted by Ms. Rockefeller, the Court notes that, save for a few introductory sections that have been changed to reflect her participation, this brief is a word-for-word copy of a brief submitted by the organization Peaceful Tomorrows. Compare ECF No. 7899-1 (Peaceful Tomorrows) with ECF No. 7935-1 (Rockefeller Brief). The Court had already rejected a proposed amicus brief from that organization given its concerns that some of its members are participating in this MDL as parties. ECF No. 7925 at 3. Ms. Rockefeller is a member of Peaceful Tomorrows, ECF No. 7935 at 3, though she is not before the Court as a party. Having rejected the participation of Peaceful Tomorrows as an organization, however, the Court does not consider it appropriate for that order to be circumvented by selecting a single member of the organization to submit the same document. The Clerk of the Court is respectfully directed to deny the motion at ECF No. 7935.

SO ORDERED.

Dated: May 2, 2022
New York, New York



SARAH NETBURN
United States Magistrate Judge